

### **REMARKS/ARGUMENTS**

Claims 2, 28 and 29 have been cancelled, and claims 1, 14, 23, 30-33, 37, and 39-41 have been amended. Claims 1, 3-27, and 30-44 are pending in this application.

#### **Rejection Under 35 U.S.C. § 112, second paragraph**

Claims 39-41 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Such claims have been amended to overcome the rejection. Withdrawal of the rejection is respectfully requested.

#### **Rejections Under 35 U.S.C., § 102**

Claims 1-4, 6-9, 11, 13, 37-40, and 44 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Fan*. (U.S. Patent 6,310,692).

Independent claims 1 and 37 have been amended. Claim amendments find support at least at page 18, lines 5-10 of the present specification. No new matter is being introduced by way of this amendment.

Amended claim 1, recites, in part, a server within the network and having a consumable component consolidation program operative to monitor the plurality of computer peripheral devices..., wherein the consolidation program being operative to deliver to the maintainer a consolidated e-mail regarding at least the need to replenish the consumable component or perform maintenance for a select group of computer peripheral devices among the plurality of the computer peripheral devices. (Emphasis Added)

Fan at col. 3, line 67 and col. 4, lines 15-28 merely disclose "that for each printer 250, two new printer attributes 262 and 264 are added to the database for each printer resource that needs to be monitored. The first new printer attribute 262 for each monitored printer resource corresponds to the dynamically changing printer resource level for that resource. The second new printer attribute 264 for each monitored printer resource corresponds to the predetermined printer resource threshold for that resource." Fan's first and second printer attributes that are added to the database are not the same as

consumable component consolidation program. Fan's server 240 does not include a consumable component consolidation program that is operative to monitor a computer peripheral device.

Further, Fan fails to teach or suggest that the consolidation program is operative to deliver to the maintainer a consolidated e-mail regarding at least the need to replenish the consumable component or perform maintenance for a select group of computer peripheral devices among the plurality of the computer peripheral devices. For example, Fan at col. 4, lines 53-63 merely discloses that notification could be performed via e-mail. There is, however, no teaching or suggestion that a consolidated program is operative to deliver a consolidated e-mail regarding the need to replenish the consumable component or perform maintenance for a select group of computer peripheral devices as recited in amended claim 1.

In view of the above, amended claim 1 is patentably distinct and allowable over Fan.

As claims 3-4, 6-9, 11, and 13 depend on claim 1, they too are allowable.

Amended claim 37 is allowable at least for similar reasons set forth above with respect to claim 1 in addition to its own independently recited features.

As claims 38-40, and 44 depend on claim 37, they too are allowable.

### **Rejections Under 35 U.S.C. §103**

Claims 5, 10, 14-18, 22-33, 35-36, and 41-43 stand rejected as being obvious over *Fan* in view of *LoBiondo, et al.* (U.S. Patent No. 5,305,199).

Claims 5 and 10 which depend on allowable base claim 1 are also allowable.

Amended claim 14 recites, in part, a centralized server having a consumable re-order program including instructions to send a consumable re-order notification to a consumables purchaser at the personal computer, the instructions including a consolidated message to order consumables for a select

group of computer peripheral devices from among the plurality of computer peripheral devices. (Emphasis Added)

Neither Fan nor LoBiondo teach or suggest a consumable re-order program including instructions..., the instructions including a consolidated message to order consumables for a select group of computer peripheral devices from among the plurality of computer peripheral devices. Claim 14 is therefore allowable over the combination of Fan and LoBiondo.

As claims 15-18, and 22 depend on allowable base claim 14, they too are allowable.

Amended claim 23 recites, in part, a server having a consumable consolidation program for monitoring at least one computer peripheral device to identify a need to replenish consumables and/or perform maintenance for the at least one computer peripheral device in the network environment, and notifying a maintainer of the consolidated, identified need by rendering instructions that are sent to the maintainer at the personal computer by forwarding an e-mail, the e-mail including a hot link to a web site of a consumable reseller, and the instructions including a consolidated message to order consumables for a select group of computer peripheral devices from among the plurality of unique computer peripheral devices. (Emphasis Added)

As demonstrated above with respect to claim 1, Fan fails to teach or suggest a consumable consolidation program for monitoring the at least one computer peripheral device. The combination of Fan and LoBiondo fails to teach or suggest all the elements of amended claim 23. Even if Silva is used in combination with Fan and LoBiondo, such combination still fails to teach or suggest that the instructions sent to the maintainer at the personal computer include a consolidated message to order consumables for a select group of computer peripheral devices. Claim 23 is therefore allowable.

As claims 24-27, 30-33 and 35-36 depend on claim 23, they too are allowable.

Claims 41-43 depend on allowable base claim 37 are also allowable as LoBiondo fails to cure Fan's deficiencies.

Claim 12 stands rejected under 35 U.S.C. §103(a) as being obvious over *Fan* in view of *Yanagidaira* (U.S. Patent No. 6,490,052). Claim 12

depends on allowable base claim 1. Yanagidaira fails to cure Fan's deficiencies as demonstrated above with respect to claim 1. Claim 12 is therefore allowable over the combination of Fan and Yanagidaira.

Claims 19-21 stand rejected as being obvious over *Fan* in view of *LoBiondo* and further in view of *Silva, et al.* (U.S. Publication No. 2001/0034658). *Silva* fails to cure the deficiencies of the combination of Fan and LoBiondo. As claims 19-21 depend on allowable base claim 14, they too are allowable.

Claim 34 stands rejected as being obvious over *Fan* in view of *LoBiondo* and further in view of *Yanagidaira*. Claim 34 depends on allowable base claim 23. Even if Yanagidaira is used in combination with Fan and LoBiondo, such combination still fails to teach or suggest that the instructions sent to the maintainer at the personal computer include a consolidated message to order consumables for a select group of computer peripheral devices. Claim 34 is therefore allowable.

### CONCLUSION

For all the reasons advanced above, Applicants respectfully submit that the application is in condition for allowance; and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview before issuance of any such subsequent action.

Respectfully submitted,

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